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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,067	04/20/2001	Jae Ho Ha	TOP-005XX	2383
28452	7590	12/08/2004	EXAMINER	
BOURQUE & ASSOCIATES, P.A. 835 HANOVER STREET SUITE 303 MANCHESTER, NH 03104			KLIMACH, PAULA W	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,067

Applicant(s)

HA, JAE HO

Examiner

Paula W Klimach

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Dorak (6,389,403 B1).

Dorak discloses a system for tracking usage of digital content on user devices (abstract), comprising: an operator server storing and providing contents (column 11 line 21 to column 12 line 26), for creating and assigning a user key for authentication to an accessing person (column 57 lines 28-39), watermarking information contents requested accessing person using authentication realtime extracting watermarked information from the watermarked contents (column 95 lines 25-55); a user client having accessed the operator server, for requesting for and receiving necessary contents from the operator server (column 56 lines 40-41); and a computer network connecting the operator server and the user client (Fig. 1).

In reference to claim 2 wherein said operator server watermarks a content in connection with a duplication process (history) of the contents, said watermark a function of the contents have been requested and duplicated, by whom (user ID), when (contents request time) and from which computer (user client IP address), (column 21 lines 15 to column 23 line 50).

In reference to claim 3 Dorak discloses a system that comprises: a web server (180 Fig. 9) providing a web document to the user client when the user client accesses the operator server

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(column 93 lines 45-57); a database for storing data necessary for operating the whole system, which includes contents-related information and user information such as an identification (ID), an e-mail address and user key (Fig. 1 B); an authentication unit for detecting whether the user accesses the web server (column 56 lines 40-56), creating a user key for user authentication if a user access has been detected, and then storing the user key in the database, and a watermarking unit for watermarking information indicating a contents duplication process (history) including at least one of the user ID, the user key, a request time and a user computer Internet Protocol (IP) address in the contents to be transferred, when the user accessed the web server requests for transferring contents based on execution of a real-time watermarking program, and extracting said watermarking information (column 21 lines 15 to column 23 line 50).

In reference to claim 4, Dorak discloses a system for tracking usage of digital content comprising the acts of creating a user key (column 57 lines 28-30) for user authentication and issuing the user key to a log-in person having accessed an operator server, using a previously registered user's identification (column 55 lines 24-30); the user requesting for contents watermarking a contents duplication process (history) on the requested contents realtime, based on execution of a realtime watermarking program (column 66 lines 8-21); and transferring watermarked contents to the user (column 95 lines 25-55).

In reference to claim 5, Dorak discloses a system further comprising the step of extracting all the watermarked information from the watermarked contents based on the execution of the realtime-watermarking program (column 95 lines 36-50).

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In reference to claim 6, Dorak discloses a system wherein watermarking is encrypted in order to prevent alteration and damage of the watermarked information (column 95 line 36 to column 96 line 20).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Langelaar, Real-time labeling of MPEG-2 Compressed Video, 1998, Phillips

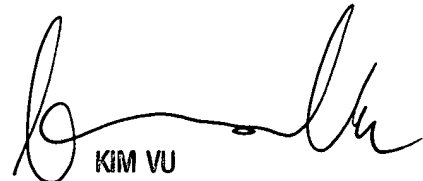
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W Klimach whose telephone number is (571) 272-3854.

The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PWK
Friday, December 03, 2004


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100